

### **REMARKS**

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Claims 1-15 are now present in this application. Claims 1 and 11 are independent.

Amendments have been made to the Abstract and claim 1. Reconsideration of this application, as amended, is respectfully requested.

### **Priority Under 35 U.S.C. § 119**

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

### **Drawings**

Applicant thanks the Examiner for indicating that the drawings are accepted.

### **Abstract of the Disclosure**

Applicant has amended the Abstract of the Disclosure in order to place it in better form.

### **Rejections Under 35 U.S.C. § 102 and 103**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Oh (U.S. Patent No. 5,791,523). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Oh (U.S. Patent No. 5,791,523) in view of Oh (U.S. Patent No. 6,003,734). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejections, but merely to advance prosecution of the instant application, Applicant respectfully submits that independent claim 1 has been amended to recite a combination of elements in a dispenser for a refrigerator including "an electrical actuating switch operated by the water-dispensing button unit to generate an electrical signal for opening and closing the dispensing port." Support for this amendment can be

found in the Abstract, Figure 6, and throughout the application which describes the prevention of short circuits in the actuating switch. Applicant respectfully submits that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Oh.

Applicant respectfully submits that Oh '523 discloses an entirely magnetic switch arrangement for dispensing water. For example, Figs. 4 and 5, along with col. 2, lines 58-62, disclose an arrangement such that "[w]hen the user depresses a lever carried by the door, a magnet disposed on the lever is also depressed and repels a magnet attached to a valve in the spigot, whereby the spigot opens to dispense cold water."

In contrast to the completely mechanical magnetic switch arrangement of Oh '523, the present invention uses an electrical actuating switch to generate an electrical signal for opening and closing the dispensing port. In addition to being novel over Oh '523, Applicant submits that the present invention is also not obvious in view of Oh '523. Although electrical switches are themselves well known, one of ordinary skill in the art would not be motivated to completely redesign the completely mechanical magnetic actuating switch of Oh '523 to be actuated by an electrical actuating switch, as it would involve more than merely substituting one type of switch for another, would require a complete redesign of a majority of additional elements in the dispensing arrangement, and would basically destroy the intended operation and invention of Oh '523.

In the alternative, Oh '523 does not disclose "a driving lever... to drive the actuating switch by means of the operation of the water-dispensing button" as recited in claim 1.

Applicant respectfully submits that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Oh, for the reasons explained above. According, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2 and 3, Applicant submits that claims 2 and 3 depend, either directly or indirectly from claim 1 which is allowable for the reasons set forth above, and therefore, claims 2 and 3 are allowable based on their dependence from claim 1. Reconsideration and allowance thereof are respectfully submitted.

**Allowable Subject Matter**

Applicant thanks the Examiner for indicating that claims 11-15 are allowed.

The Examiner states that claims 4-10 would be allowable if rewritten in independent form.

Applicant thanks the Examiner for the early indication of allowable subject matter in this application. However, claims 4-10 have not been rewritten in independent form at this time, since it is believed that independent claim 1 from which these claims depend is allowable.

**Additional Cited References**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

**Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone James T. Eller, Jr., Registration No. 39,538, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 17, 2006

Respectfully submitted,

By *James T. Eller, Jr.* #40,953

Registration No.: 39,538

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant